



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-02278NS

Friday June 2, 2023

Non Streamlined International Applications/Petitions Accepted For Filing

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in section 63.12 of the Commission's rules. 47 CFR § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission. Pursuant to section 1.1910(b)(2) of the Commission's rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. 47 CFR § 1.1910(b)(2). Applicants should login to the CORES Payment website at <https://apps.fcc.gov/cores/userLogin.do> to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

On December 30, 2022, DOCOMO Pacific, Inc. (DPAC or Petitioner) filed a letter notifying the Commission that DPAC was no longer in compliance with its current foreign ownership ruling pursuant to section 1.5004(f) of the Commission's rules. 47 CFR § 1.5004(f). On January 23, 2023, the Petitioner filed a petition for a new declaratory ruling (Petition) pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), and section 1.5000(a)(1) of the Commission's rules, asking the Commission to find that the public interest would not be served by prohibiting the foreign ownership of DPAC's controlling U.S. parent, DOCOMO Guam Holdings, Inc. (DGH), above the 25% benchmarks in section 310(b)(4) of the Act. 47 U.S.C. § 310(b)(4); 47 CFR § 1.5000(a)(1). On May 17, 2023, Petitioner filed a revised and restated petition for a new declaratory ruling (Restated Petition) pursuant to section 310(b)(4) of the Act.

According to the Restated Petition, DPAC, a corporation organized under the laws of Guam, is a provider of voice and internet service in Guam and the Commonwealth of Northern Mariana Islands. DPAC holds the following types of radio authorizations to which section 310(b) is applicable: AWS-3, AWS-1, Cellular, Paging, Common Carrier Fixed Point to Point Microwave, PCS Broadband, 700 MHz Lower Band, and Wireless Communications Service. DPAC is wholly owned by DGH, a Guam corporation, which is a wholly-owned subsidiary of NTT DOCOMO, INC. (NTT DOCOMO), a Japanese corporation. NTT DOCOMO itself is wholly owned by Nippon Telephone and Telegraph (NTT), a Japanese corporation publicly traded on the Tokyo Stock Exchange.

In 2021, the Commission issued a foreign ownership ruling to DPAC, finding that the public interest would not be served by prohibiting 100% aggregate foreign ownership of DPAC's controlling U.S. parent, DGH. International Authorizations Granted, Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000), Public Notice, ISP-PDR-20210128-00002, 36 FCC Rcd 16821, 16822 (IB 2021) (2021 Ruling). The 2021 Ruling specifically approved direct and indirect foreign equity and/or voting interests in DGH as follows: (1) NTT DOCOMO to hold up to and including 100% equity and voting interests; (2) NTT to hold up to and including 100% equity and voting interests; and (3) the Japan Ministry of Finance (JMOF), a Japanese government entity, to hold up to and including a 33.93% interest, with advance approval to acquire up to a non-controlling 49.99% indirect equity and/or voting interest in DGH and DPAC.

Subsequent to the 2021 Ruling, the Master Trust Bank of Japan, Ltd. (MTB) increased the shares of NTT that it holds on behalf of its clients on the open market and now holds a 11.24% interest in NTT. Consequently, DPAC seeks a new declaratory ruling for specific and advance approval of MTB's voting and equity interests in NTT. In its Restated Petition, DPAC explains that MTB is a Japanese trust bank that administers investment accounts for its clients. DPAC further notes that all beneficial interest in and to the shares is held by MTB's multiple account holders, and MTB's role with respect to the shares is that of an administrative agent, with voting rights distributed among multiple account holders. DPAC seeks specific approval for MTB's 11.24% equity and voting interests in NTT, with advance approval up to a non-controlling 49.99% equity and/or voting interests.

Pursuant to section 1.5001(i) of the Commission's rules, 47 CFR § 1.5001(i), Petitioner requests that the Commission specifically approve direct and indirect foreign equity and voting interests in DPAC's controlling U.S. parent, DGH, by foreign-organized entities as follows:

NTT DOCOMO, Inc. (100% equity and voting) (Japan);

Nippon Telephone and Telegraph Corporation (100% equity and voting) (Japan);
Japan Ministry of Finance (33.86% equity and voting) (Japan); and
Master Trust Bank of Japan, Ltd. (11.24% equity and voting) (Japan).

Petitioner also requests advance approval, pursuant to section 1.5001(k) of the Commission's rules, 47 CFR § 1.5001(k), for Master Trust Bank of Japan, Ltd. and Japan Ministry of Finance to acquire up to a non-controlling 49.99% indirect equity and/or voting interest in DGH.

Petitioner also requests that the Commission approve up to an aggregate 100% foreign ownership equity and voting interest in DGH.

Petitioner asserts that the public interest would be served by granting the Restated Petition.

The Commission has discretion whether to refer section 310(b) petitions for declaratory ruling to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicants. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC 10927, 10935-36, para. 24 (2020) (Executive Branch Review Order); 47 CFR § 1.40001. DPAC argues that the Commission does not need to refer the Restated Petition to the Executive Branch agencies for review. DPAC states that as part of the 2021 Ruling, the relevant Executive Branch agencies reviewed the DPAC's foreign ownership including the then 5.52% ownership interest in NTT by MTB. Based on that review DPAC entered into a Letter of Agreement with the Department of Justice. See Letter of Agreement from James W. Hofman, II, Chief Legal Officer, Docomo Pacific, Inc., to Chief, Foreign Investment Review Section (FIRS) and Deputy Chief, Compliance and Enforcement (FIRS), on behalf of the Assistant Attorney General for National Security, Department of Justice, dated October 20, 2021 (2021 LOA). The Commission conditioned grant of the 2021 Ruling on compliance with the 2021 LOA. See 36 FCC Rcd at 16822. DPAC acknowledges that it is still subject to the 2021 LOA, confirms that it remains in compliance with its terms, and requests that the Commission grant of the Restated Petition be conditioned on continued compliance with the 2021 LOA. We are exercising our discretion to not formally refer this petition to the Executive Branch agencies. While we are not formally referring this application, we will provide a courtesy copy of this Public Notice to the Executive Branch agencies. Executive Branch Review Order, 35 FCC Rcd at 10939, para 30, n. 81.

Interested parties may file comments on or before June 16, 2023, and reply comments on or before June 23, 2023.

INFORMATIVE

ITC-214-20220714-00082

Content Guru Inc.

On May 31, 2023, the Chair of Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee granted the Applicant an extension and thus is extending the Committee's initial review period of the application for international section 214 filed by Content Guru Inc. to conclude on or before July 28, 2023, pursuant to Executive Order 13913, 85 Fed Reg 19643 (Apr. 8, 2020).

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.